

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SUNNY M. HAWKINS,

Plaintiff,

vs.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

) **CASE NO. 5:08CV0568**
)
) **Judge Dan Aaron Polster**
)
) **MEMORANDUM OF OPINION**
) **AND ORDER**
)
)
)
)

Before the Court is the Report and Recommendation (R&R) of Magistrate Judge David S. Perelman issued on August 13, 2009 (*ECF No. 17*). The Magistrate Judge recommends that the Commissioner's decision denying Sunny M. Hawkins's applications for supplemental security income disability benefits be reversed and the case remanded for additional evidence and findings.

Under the relevant statute:

Within *ten days* after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C) (1988) (emphasis added).

In this case, the Commissioner has indicated that he does not object to the Magistrate Judge's R&R. *ECF No. 18*. The failure to timely file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R. The Commissioner's decision denying Sunny M. Hawkins's applications for supplemental security income and childhood disability benefits is hereby **REVERSED** and judgment is entered finding that Plaintiff is entitled to awards of childhood disability benefits for the period of August 1, 2002 to October 31, 2004, and supplemental security income for the period after September 3, 2003, during which she meets the applicable economic criteria.

IT IS SO ORDERED.

/s/Dan Aaron Polster August 27, 2009
Dan Aaron Polster
United States District Judge